HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20811 of 2006

Dated:18.10.2006

Between:

Alluri Narasimha Raju and another.

…Petitioners

and

Revenue Divisional Officer and another.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20811 of 2006

ORDER:

The two petitioners claim to be the owners and possessors of agricultural land in Survey No.126/2 (Ac.1.18 cents) and Survey Nos.121/6, 121/7, 125/1B, 125/1A (Acs.5.40 cents) respectively, situated at Sarvasidhi Village in S.Rayavaram Mandal of Visakhapatnam District.

The second respondent initiated action under the Andhra Pradesh Land Encroachment Act, 1905, and issued proceedings under Section 6 of the said Act, ordering eviction of the petitioners on the ground that the land in possession of the petitioners is Government land and that they encroached upon the land. The petitioners impugned the same in W.P.No.16990 of 2005. This Court set aside the same. Thereafter, the second respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, and ordered resumption of the land. Aggrieved by the same, the petitioners filed an appeal before the first respondent, which is still pending. The petitioners allege that even while the appeal is pending, on 25.09.2006 the respondents came to the land and tried to dispossess them.

It is well settled that when a statutory appeal is preferred by an

aggrieved person, a Writ Petition cannot be entertained. Therefore, the petitioners have to seek appropriate orders of stay from the first respondent. If the petitioners have filed such applications for stay, the first respondent may pass appropriate orders within a period of one week from the date of receipt of a copy of this order.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

18.10.2006

Note: Dispatch copy of the order by 19.10.2006

(By order)

vs